

EXHIBIT

“A”

CITATION – Personal Service: TRC 99

THE STATE OF TEXAS

CAUSE NO. CV- 04485COUNTY OF HUDSPETH

TO: NATIONAL REGISTERED AGENTS, INCORPORATION
 SWIFT TRANSPORTATION SERVICES, LLC- Defendant
 1999 BRYAN STREET, SUITE 900
 DALLAS, TX 75201-3136

EXHIBIT**"A"**

(Or wherever he/she may be found)

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Court:	<u>394TH Judicial District Court</u> <u>SIERRA BLANCA TX 79851</u>
Cause No.:	<u>CV-04485-394</u>
Date of Filing:	<u>SEPTEMBER 10, 2015</u>
Document:	<u>PLAINTIFF'S ORIGINAL PETITION</u>
Parties in Suit:	<u>JAIME ELOY PEREZ VS. JOHN C. JARROT, SWIFT TRANSPORTATION SERVICES, LLC</u> <u>AND SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC.</u>
Clerk:	<u>VIRGINIA DOYAL</u> , District Clerk <u>SIERRA BLANCA TX 79851</u>
Party or Party's Attorney:	<u>Attorneys for Plaintiff: CHRISTOPHER LE</u> <u>4143 GARDENDALE STREET</u> <u>SAN ANTONIO, TX 78229</u>

Issued under my hand and seal of this said court on this the 14th day of September 2015.



VIRGINIA DOYAL, District Clerk
 P.O. Box 58/109 W. Millican, Sierra Blanca, Tx 79851
 SIERRA BLANCA, HUDSPETH County, Texas

BY: 

Chief Deputy

Service Return

Came to hand on the _____ day of _____, 20____, at _____ m., and executed on the _____ day of _____, 20____, at _____ M by delivering to the within named _____ in person a

true copy of this citation, with attached copy(ies) of the _____ at _____

[] Not executed. The diligence use in finding defendant being _____

[] Information received as to the whereabouts of defendant being _____

Service Fee: \$ _____	Sheriff/Constable _____
	County, Texas _____
Service ID No. _____	Deputy/Authorized Person _____

VERIFICATION

On this day personally appeared _____ known to me to be the person whose name is subscribed on the foregoing instrument and who has stated: upon penalty of perjury, I attest that the foregoing instrument has been executed by me in this cause pursuant to the Texas Rules of Civil Procedure. I am over the age of eighteen years and I am not a party to or interested in the outcome of this suit, and have been authorized by the Denton County Courts to serve process.

Subscribed and sworn to before me on this the _____ day of _____, 20____

_____, Notary Public



A CERTIFIED COPY
 VIRGINIA DOYAL, DISTRICT CLERK
 HUDSPETH COUNTY, TEXAS
 PAGE 1 OF 3

CITATION – Personal Service: TRC 99

THE STATE OF TEXAS

COUNTY OF **HUDSPETH**CAUSE NO. **CV- 04485**

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 SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC- Defendant
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Party or Party's Attorney:	Attorneys for Plaintiff: CHRISTOPHER LE 4143 GARDENDALE STREET SAN ANTONIO, TX 78229

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VIRGINIA DOYAL, DISTRICT CLERK

HUDSPETH COUNTY, TEXAS

PAGE **2** OF **3**

CITATION – Personal Service: TRC 99

THE STATE OF TEXAS

COUNTY OF **HUDSPETH**CAUSE NO. **CV- 04485**

TO: **JOHN C. JARROTT**
300 W 5th ST.
LORDSBURG, NM 88045

(Or wherever he/she may be found)

Notice to defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the first Monday following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

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Party or Party's Attorney:	Attorneys for Plaintiff: CHRISTOPHER LE 4143 GARDENDALE STREET SAN ANTONIO, TX 78229

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VIRGINIA DOYAL, District Clerk
P.o. Box 58/109 W. Millican, Sierra Blanca, Tx 79851
SIERRA BLANCA, HUDSPETH County, Texas

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Chief Deputy

Service Return

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	County, Texas _____
Service ID No. _____	Deputy/Authorized Person _____

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A CERTIFIED COPY
VIRGINIA DOYAL, DISTRICT CLERK
HUDSPETH COUNTY, TEXAS
PAGE **3** OF **3**

[Print this page](#)**Case # CV-04485****Case Information**

Location Hudspeth County - District Clerk
 Date Filed 09/10/2015 03:43:17 PM
 Case Number CV-04485
 Case Description
 Assigned to Judge
 Attorney Leticia Gonzalez
 Firm Name Law Office Of Leticia A. Gonzalez
 Filed By Leticia Gonzalez
 Filer Type Not Applicable

Fees

Convenience Fee ~~\$9.66~~
 Total Court Case Fees ~~\$277.00~~
 Total Court Filing Fees ~~\$54.00~~
 Total Court Service Fees \$0.00
 Total Filing & Service Fees \$0.00
 Total Service Tax Fees \$0.00
 Total Provider Service Fees \$3.00
 Total Provider Tax Fees \$0.25
 Grand Total \$343.91

Payment

Account Name Leticia Gonzalez
 Transaction Amount \$343.91
 Transaction Response Approved
 Transaction ID 11264534
 Order # 006875313-0

Petition

Filing Type
 Filing Code
 Filing Description
 Reference Number

EFile
 Petition
 Petition

Jaime E. Perez

Please forward the 3 citations to be served by the Secretary of State to our office for additional serving instructions.

Comments

Status

Accepted

Accepted Date

09/10/2015 04:17:07 PM

**A CERTIFIED COPY**
 VIRGINIA DOYAL, DISTRICT CLERK
 HUDSPETH COUNTY, TEXAS
PAGE 1 OF 2

Envelope Details

Page 2 of 2

Fees

Court Fee	\$54.00
Service Fee	\$0.00

Optional Services

>Jury Fee	\$30.00
>Issue Citation - Secretary of State	\$8.00
>Issue Citation - Secretary of State	\$8.00
>Issue Citation - Secretary of State	\$8.00

Documents

<i>Lead Document</i>	POP & Civil Case Info.pdf	<u>[Original]</u>	<u>[Transmitted]</u>
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A CERTIFIED COPY
VIRGINIA DOYAL, DISTRICT CLERK
HUDSPETH COUNTY, TEXAS
PAGE 2 OF 2

Hudspeth County - District Clerk

Filed 9/10/2015 4:43:17 P
 Virginia Doy
 District Cle
 Hudspeth County, Tex:

Brenda Sanchez

CV-04485

NO. _____

JAIME ELOY PEREZ
 Plaintiff,

VS.

**JOHN C. JARROTT, SWIFT
 TRANSPORTATION SERVICES,
 LLC AND SWIFT
 TRANSPORTATION COMPANY OF
 ARIZONA, LLC,
 Defendants**

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IN THE DISTRICT COURT

394th JUDICIAL DISTRICT

HUDSPETH COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Jaime E. Perez, hereinafter called Plaintiff, complaining of and about John C. Jarrott, Swift Transportation Services, LLC and Swift Transportation Company of Arizona, LLC, hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

PARTIES AND SERVICE

2. Plaintiff is an Individual whose address is 112 S Verde, Dell City, Texas 79837.
3. The last three numbers of Jaime E. Perez's social security number are 342.
4. Defendant, John C. Jarrott, an Individual who is not a resident of Texas, and does not have a registered agent in the State Of Texas. Defendant, John C. Jarrott, may be served with process by serving the Texas Secretary Of State, Citations Unit, P.O. Box 12079, Austin, Texas



A CERTIFIED COPY

VIRGINIA DOYAL, DISTRICT CLERK
 HUDSPETH COUNTY, TEXAS

PAGE 1 OF 7

78711-2079. The Texas Secretary Of State will then serve John C. Jarrott at his home address of 300 W 5th St Lordsburg, NM 88045. Service of said Defendant as described above can be effected by certified mail, return receipt requested

5. Defendant, Swift Transportation Services, LLC, is a business corporation licensed to do business in the state of Arizona and does not have a registered agent in the State Of Texas. Swift Transportation Services, LLC may be served with process by serving the, Texas Secretary Of State, Citations Unit, P.O. Box 12079, Austin, Texas 78711-2079. The Texas Secretary Of State will then serve the National Registered Agents, Incorporation, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136 USA. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

6. Defendant, Swift Transportation Company of Arizona, LLC, is a business corporation licensed to do business in the state of Arizona and does not have a registered agent in the State Of Texas. Swift Transportation Company of Arizona, LLC may be served with process by serving the, Texas Secretary Of State, Citations Unit, P.O. Box 12079, Austin, Texas 78711-2079. The Texas Secretary Of State will then serve the National Registered Agents, Incorporation, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136 USA. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

7. The subject matter in controversy is within the jurisdictional limits of this court.

8. This court has jurisdiction over the parties because Plaintiff is a Texas resident; this court has jurisdiction over nonresident Defendant Swift Transportation Company, which does not have a registered agent in Texas; and over Defendant John C. Jarrott per the Texas Long-Arm



Statute, specifically Section 17.042 of the Texas Civil Practice and Remedies Code"...a nonresident does business in this state if the nonresident: (2) commits a tort in whole or in part in this state".

9. Venue in Hudspeth County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

10. Plaintiff has suffered damages in an amount within the jurisdictional limits of this Court. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff in good faith pleads the value of this case is over one million dollars (\$1,000,000.00) but less than two million dollars (\$2,000,000.00). Plaintiff reserves the right to amend these amounts if a jury awards an amount in excess of two million dollars (\$2,000,000.00).

FACTS

11. On September 16, 2013, Plaintiff was the driver of a 2008 Chevrolet Truck, a TXDOT stationary emergency vehicle facing west bound on the right side of the improved shoulder on IH-10 and parked in front of a second TXDOT stationary emergency vehicle, in Hudspeth County, Texas.

Defendant failed to yield the right of way to the two stationary emergency vehicles (TXDOT) that were parked on a marked construction zone traffic signal/sign.. Defendant was travelling west bound driving a 2013 Volvo Truck and towing a tractor trailer. Defendant failed to yield the right of way and suddenly struck the first stationary emergency vehicle then swerved left and continued to collide with the Plaintiff's second TXDOT vehicle on the shoulder of IH-10. Defendant's failure to yield the right of way to the two TXDOT vehicles is the basis of this suit.

**PLAINTIFF'S CLAIM OF NEGLIGENCE
AGAINST JOHN C. JARROTT AND SWIFT TRANSPORTATION SERVICES, LLC,
SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC**

12. Defendant had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

13. Plaintiff's injuries were proximately caused by Defendants' John C. Jarrott and Swift Transportation Services, LLC, and Swift Transportation Company of Arizona, LLC, careless and reckless disregard of said duty.

14. The negligent, careless and reckless disregard of duty of Defendants consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendants failed to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- B. In that Defendant John C. Jarrott failed to yield right of way to a marked construction zone traffic signal/sign;
- C. In that Defendant John C. Jarrott failed to apply his brakes to his motor vehicle in a timely and prudent manner in order to avoid the collision in question;
- D. In that Defendant John C. Jarrott failed to control his speed, causing collision with Plaintiff's motor vehicle.
- E. In that Defendant Swift Transportation Services, LLC, and Swift Transportation Company of Arizona, LLC, failed to properly train and/or control its employee Defendant John C. Jarrott.

EXEMPLARY DAMAGES

15. Defendants John C. Jarrott, Swift Transportation Company of Arizona, LLC, Swift Transportation Services, LLC, acts or omissions described above, when viewed from the standpoint

of Defendants John C. Jarrott, Swift Transportation Company of Arizona, LLC, Swift Transportation Services, LLC, at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendants John C. Jarrott, Swift Transportation Company of Arizona, LLC, Swift Transportation Services, LLC, had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

16. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendants.

DAMAGES FOR PLAINTIFF, JAIME E. PEREZ

17. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Hudspeth County, Texas;
- B. Reasonable medical care and expenses in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment in the future;
- G. Loss of earnings in the past;
- H. Mental anguish in the past;
- I. Mental anguish in the future; and

J. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Law Offices Of Leticia A. Gonzalez
4143 Gardendale Street
San Antonio, Texas 78229
Tel: (210) 558-7416
Fax: (210) 558-7418

By: _____

Christopher Le
Texas Bar No.24078839
Attorney for Plaintiff
Jaime E. Perez

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY



CIVIL CASE INFORMATION SHEET

394th


CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED JAIME E. PEREZ VS. JOHN C. JARROTT, SWIFT TRANSPORTATION SERVICES, LLC AND SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:
Name: Christopher Le	Email: c.le@gonzalezlawyer.com	Plaintiff(s)/Petitioner(s): JAIME E. PEREZ		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
Address: 4143 Gardendale Street	Telephone: 210-558-7416			Additional Parties in Child Support Case:
City/State/Zip: San Antonio, TX 78229	Fax: 210-558-7418	Defendant(s)/Respondent(s): JOHN C. JARROTT, SWIFT TRANSPORTATION SERVICES, LLC AND SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC		Custodial Parent:
Signature: 	State Bar No: 24078839			Non-Custodial Parent:
				Presumed Father:
[Attach additional page as necessary to list all parties]				
2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil			Family Law	
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus— Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health <div style="display: flex; justify-content: space-between;"> <div> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings </div> <div> <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: </div> </div>			
3. Indicate procedure or remedy, if applicable (may select more than 1):				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input checked="" type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
4. Indicate damages sought (do not select if it is a family law case):				
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000				



A CERTIFIED COPY
 VIRGINIA DOYAL, DISTRICT CLERK
 HUDSPETH COUNTY, TEXAS

PAGE 7 OF 7

Rev 2/13